

D/L - 20
26.02.2025
Court. No. 25
S.Kundu

W.P.A. 3214 of 2025

**Gouri Rani Jana
Vs.
State of West Bengal & Ors.**

Mr. N.I. Khan,
Mr. Amlan Kr. Mukherjee

...for the petitioner.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas

...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. The petitioner is aggrieved that in the list of vehicles to be covered under the provisional consolidated time table issued by the Secretary, RTA, Purba Medinipur to be effective from May 18, 2022, the petitioner's vehicle No. WB-29A-4514 has been erroneously incorporated.
3. Mr. Khan, learned advocate appearing for the petitioner has stated that the consolidated provisional time table covers the route from Mecheda to Haldia whereas the petitioner is plying his vehicle, as per the permit granted to him on the route from Haldia to Bagnan. He has also stated that the time table earlier granted to the petitioner has been extended till the validity period of the permit i.e. upto December 13, 2026, though during subsistence thereof the provisional time table has been made effective, in case of the petitioner, that too erroneously

and not covering the entire route, under the permit of the writ petitioner.

4. Mr. Khan has further stated that grant of time table is the subject-matter within the purview of the State Transport Authority and so far as the Secretary, Regional Transport Authority, Purba Medinipur is concerned, the said office would not have any authority to issue a time table even in provisional form, in accordance with law.
5. The petitioner has submitted a representation before the authority, that is, dated May 02, 2023, expressing his grievance and for consideration thereof by the said authority i.e. Secretary, RTA, Purba Medinipur.
6. Mr. Deb Roy, appearing for the State, submits that the petitioner's representation as above, may be directed to be considered in accordance with law by the said respondent authority.
7. The Court finds upon hearing the learned counsels for the parties and upon perusal of the records that the Secretary, RTA, Purba Medinipur, might have issued a provisional consolidated time table, in exercise of power which is not vested in it by law, thereby flouting the earlier decision as regards grant of time table to the present writ petitioner, which has to be co-extensive with the petitioner's permit itself. Furthermore, the said provisional consolidated time table does not cover the entire route under permit of the petitioner, thereby arbitrarily and unreasonably restricting the petitioner's

right to ply his vehicle, in accordance with the permit conditions.

8. In such circumstances, it is imperative that a direction be made upon the Secretary, RTA/respondent no. 4, to immediately consider the petitioner's representation dated May 02, 2023 and decide thereupon, positively within a period of three weeks from the date of communication of copy of this order and after granting reasonable opportunity of hearing to the petitioner.
9. Needless is to mention that the decision of the said respondent authority as to the representation of the petitioner as mentioned above, shall abide by the provisions of law and be in accordance with law.
10. Since no affidavit-in-opposition is called for, all allegations made in the writ petition are deemed to have been denied by the respondents.
11. Accordingly, the writ petition is disposed of.
12. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)